

every meeting, or are they going to have to run a notice at the beginning of each week saying they have to meet each Monday morning at 10:00 A.M.? Will the governor have to give notice when he has a meeting with his staff? It seems to me this is reaching the height of absurdity. I hesitate voting on this unless I see it in some written form because it may change the common law rule.

Everything is a public record now except that which the legislature says shall be confidential. I think that is a general rule. Now, we may be jeopardizing that rule by an unwritten amendment. I am just worried about it.

THE PRESIDENT: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman and ladies and gentlemen of the Convention, this has almost gotten to the point where it is acceptable, and I have the same reservations that Delegate James has. I had thought that Delegate Weidemeyer's amendment or proposal would read something like this: "Governmental proceedings, meetings, and records shall be open to the public to the extent and in the manner provided by law." That is what the New York Constitution provided, but this thing of the prior notice worries me just as it worries Delegate James.

If you would make that amendment, Delegate Weidemeyer, I would be very happy to go along with it because I think it would be legitimized.

THE PRESIDENT: You mean Delegate Willoner's motion. Did you understand the motion?

DELEGATE KIEFER: I think Delegate James misses the entire point.

THE PRESIDENT: Did you understand the suggestion made by Delegate Kiefer?

DELEGATE JAMES: The suggestion was, I guess, to strike out the language, "and prior notice of such proceedings". Is that correct?

THE PRESIDENT: Yes.

DELEGATE JAMES: The only thing is that it is "to the extent"; it meant what notice the legislature shall set out is required.

THE PRESIDENT: The only question you are called upon to answer is Delegate Kiefer's question. Would you be willing to amend your motion so as to strike the language in lines 8 and 9 "and prior notice of such proceedings or meetings shall be

provided" in accordance with Delegate Kiefer's request? You do not have to. We just ask you, will you?

DELEGATE JAMES: All right.

THE PRESIDENT: Does the "all right" mean that you accept the suggestion?

Is there any objection to considering the amendment modified to strike in lines 8 and 9 the words "and prior notice of such meetings or proceedings shall be provided"?

The Chair hears none.

The amendment will be so modified.

Delegate Henderson.

DELEGATE HENDERSON: I would like to ask Delegate Willoner if he will reply to a question as to this phrase "as defined by law". It seems to be a little out of place now. "Governmental proceedings, meetings, and records" as defined by law. What does that mean? Does that include, for example, any judicial proceedings? You are not suggesting that the jury would not have a right to retire and consider its verdict without having the press present, are you?

DELEGATE WILLONER: Obviously, the Judge did not hear me explain this before when it was in the area of a presumption. It would not even apply to that situation, Judge, and you know better. That language I thought would be stricken along with it because that language would have nothing to modify when you have "to the extent and manner as prescribed by law".

It would be entirely up to the legislature or the local governmental body to decide what they shall open and what they shall not open.

THE PRESIDENT: The Chair did not understand that. Your modification also goes to striking out of line 7 the words "as defined by law"?

DELEGATE WILLONER: That would be no longer necessary then. There would not be any doubt.

THE PRESIDENT: Is that what you desire to do?

DELEGATE WILLONER: Yes.

THE PRESIDENT: Very well. The words "as defined by law" are no longer in the amendment. It now reads: "Governmental proceedings, meetings, and records shall be open to the people to the extent and in the manner prescribed by law".